**THE HONOURABLE SRI JUSTICE GODA RAGHURAM**

**WRIT PETITION NO. 20826 OF 2007**

DATED: 8-10-2007

Between:

Archith Babu Poosala son of Ashok

… Petitioner

And :

Osmania University, Hyderabad and two others

… Respondents

**THE HONOURABLE SRI JUSTICE GODA RAGHURAM**

**WRIT PETITION NO. 20826 OF 2007**

**ORAL ORDER**

The petitioner assails the letter of the 1st respondent dated.05-03-2007 in consequence whereof the petitioner became disentitled to pursue 4th year first semester B.E. Civil Engineering Course in the 3rd respondent-Engineering College.

The petitioner appeared at the 3rd year examination first and second semesters in the examinations held during April/May 2007. The memorandum of marks dated.29-06-2007 declared him "detained", apparently on the ground that he had a backlog of failed subjects in excess of the permissible limits. The petitioner applied for revaluation and on revaluation was issued a memorandum of marks dated.12-09-2007 declaring that he had cleared Theory of Structures-II and as a consequence was eligible for promotion.

According to the applicable academic regulations issued by the 1st respondent, for promotion from one year to the next *inter alia* the total number of backlogs shall not exceed 50% of the total number of subjects prescribed. As a consequence of the initial evaluation of the petitioner's performance during the April-May 2007 examination the petitioner's backlog exceeded 50% and therefore he became ineligible for promotion to the 4th year. On revaluation since he had passed the Theory of Structures-II paper, his backlog fell below 50% and he became eligible. The petitioner's grievance is that by the impugned circular the 1st respondent has disabled the petitioner

entitlement to the admission to the 4th year course.

It is the admitted position that the 4th year classes commenced in first week of July-2007. The revaluation results were declared on 12-09-2007 nearly two months after the commencement of the classes. The duration of the semester is about six months. The petitioner would have lost about 1/3rd of the academic session. However since he is now declared promotion, he seeks to exercise the right and privilege of attending the 4th year classes.

On behalf of the respondent-University it is contended that the direction in the impugned letter disabling readmission to the 4th year four weeks after the commencement of the classes is designed to enable acquisition of the requisite percentage of attendance in case of admissions after the commencement of the classes. Sri Deepak Bhattacharjee would contend that if there is a four weeks shortage of attendance a student will not able to put in the requisite period of attendance that entitles him to sit in the examination.

On behalf of the petitioner it is contended that what percentage of attendance could be made up in the remaining part of the current session whether any shortfall could be made up by attending extra classes or a special schedule of instruction provided by the management, is a premature consideration at this stage and ought not to disable the petitioner admission into the 4th year.

In the circumstances, the writ petition is disposed of directing the respondents to permit the petitioner to attend the course of B.E. Civil Engineering 4th year-first semester in the 3rd respondent-College consequent on the declaration by the 1st respondent that the petitioner has been promoted. Neither the promotion ordered by the 1st respondent consequent on the revaluation of the 3rd year papers of the petitioner nor the petitioner's attending the 4th year first

semester course of instruction pursuant to the order of this Court shall *per se* entitle the petitioner to appear at the examination for the current course of instruction. That would depend upon the petitioner having requisite of attendance as mandated by law. This Court does not pronounce upon the right of the 3rd respondent-Management to make available additional hours of instruction to make up the shortfall of the attendance that is a matter will have to be determined in accordance with the extant regulation of the University.

The writ petition is disposed of as above. The petitioner shall merely be permitted to attend the course of instruction to the 4th year classes in B.E.Civil Engineering in the 3rd respondent-College. In the circumstances there shall be no order as to costs.

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**GODA RAGHURAM,J**

8th OCTOBER 2007
***TSNR/pvsn**